

MB

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JASON PEREZ,

Petitioner,

v.

DAVID A. VARANO, et al.,

Respondents.

CIVIL ACTION

No. 12-7057

ORDER

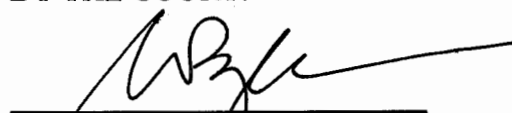
FILED
JUL 24 2013
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

MICHAEL M. BAYLSON, J.

AND NOW, this 24th day of July, 2013, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Petitioner's Motion to Stay his habeas proceedings (doc. 7) is GRANTED. This court's previous orders are VACATED to the extent they denied the motion without prejudice.
3. Petitioner's petition for a writ of habeas corpus is STAYED and held in ABEYANCE until the conclusion of Petitioner's state court proceedings.
4. Petitioner shall return to federal court within thirty days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within thirty days following the conclusion of his state court proceedings, this stay and abeyance order is vacated and his petition is denied with prejudice for the reasons set forth in the June 27, 2013 Report and Recommendation of United States Magistrate Judge Timothy R. Rice.
5. There is no probable cause to issue a certificate of appealability.

BY THE COURT:


MICHAEL M. BAYLSON, J.